

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 100—Division of Credit Unions  
Chapter 2—State-Chartered Credit Unions**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Credit Unions under section 370.100, RSMo 2000, the director amends a rule as follows:

**4 CSR 100-2.040 Loans is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1795-1796). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Division of Credit Unions received one comment on the proposed amendment.

**COMMENT:** The Missouri Credit Union System submitted a comment in support of the proposed amendment.

**RESPONSE:** The Division of Credit Unions appreciates having the support of the Missouri Credit Union System in this effort.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 100—Division of Credit Unions  
Chapter 2—State-Chartered Credit Unions**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Credit Unions under section 370.100, RSMo 2000, the director amends a rule as follows:

**4 CSR 100-2.160 Call Reports is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1796-1797). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Division of Credit Unions received one comment on the proposed amendment.

**COMMENT:** The Missouri Credit Union System submitted a comment in support of the proposed amendment.

**RESPONSE:** The Division of Credit Unions appreciates having the support of the Missouri Credit Union System in this effort.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions,  
Sampling and Reference Methods and Air Pollution  
Control Regulations for the Entire State of Missouri**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

**10 CSR 10-6.050 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1456-1458). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program received comments from fourteen sources; the U.S. Environmental Protection Agency (EPA), Kingsford Manufacturing Company (Kingsford), Kansas City Power & Light (KCPL), the Missouri Ag Industries Council, Inc., Central Electric Power Cooperative (CEPC), the City of Independence Water Pollution Control Department, Associated Electric Cooperative, Inc. (AECI), the Missouri Limestone Producers Association (MLPA), Associated General Contractors of Missouri, Inc. (AGC/MO), Metropolitan St. Louis Sewer District, Empire District Electric Company, Springfield City Utilities, Associated Industries of Missouri and the Regulatory Environmental Group for Missouri (REGFORM). The comments were generally supportive of the amendment but requested language changes. Comments were also received from Utilicorp United, Inc. after the public comment period closed.

These comments will not be specifically addressed but were similar in nature to comments from other sources.

**COMMENT:** The EPA suggested that language from EPA's September 20, 1999, guidance titled—State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown—be included in this rule amendment. Specifically, language pertaining to the affirmative defense provisions for malfunction, startup and shutdown.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program agrees with the changes suggested by the EPA and the appropriate language has been added to subsection (3)(C). Language has also been added to subsection (3)(A) and paragraph (3)(C)2. to require sources to include the name of the person who first discovered the malfunction and the precise time and date it was first discovered.

**COMMENT:** The EPA recommends including a limitation that this rule may not be used to excuse excess emissions that occur under any applicable federal technology standard including New Source Performance Standards (10 CSR 10-6.070), National Emissions Standards for Hazardous Air Pollutants (10 CSR 10-6.080) or Maximum Achievable Control Technology (10 CSR 10-6.075).

**RESPONSE:** The department's Air Pollution Control Program agrees with EPA that it is important that this rule not be used to limit the authority of the department to enforce the above mentioned rules. However, the department's Air Pollution Control Program does not believe additional language is required. Subsection (3)(E), which states that nothing in this rule shall be construed to limit the authority of the director or the commission to take appropriate action, under sections 643.080, 643.090 and 643.151, RSMo to enforce the provisions of the Air Conservation Law and the corresponding rule, is sufficient language to protect the enforceability of other air pollution rules and explain the limitation of this rule. No changes were made to the rule as a result of this comment.

**COMMENT:** The EPA also commented that the language in subsection (3)(D) gives the impression that as long as a source chooses not to comply with subsections (3)(A) and (3)(B) and a Notice of Excess Emissions (NOEE) is not issued, then the source is given a free ride. The EPA concludes that this approach is unacceptable and should be removed from the rule. Failure to report should be an explicit violation of the rule. Subsection (3)(D) should just include what factors would be considered and what information may be requested from a source to determine if an excess emissions will be excused.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program agrees that failure to report is a violation of this rule and the language—In the event that a facility did not abide by the requirements of subsections (3)(A) and (3)(B) and—was removed from original subsection (3)(D), new subsection (3)(C). The department's Air Pollution Control Program believes deleting this language will remove the uncertainty of this subsection.

**COMMENT:** Kingsford supports the concept of this rule amendment, however, they do not support the specific language used in this amendment. It is unclear to them how this amendment will affect sources that use Continuous Emission Monitoring Systems and submit quarterly written reports of exceedances as part of their permit agreement. Kingsford requested that an exemption be added to the rule that would exclude sources with site specific Settlement Agreements that contained provisions concerning start-up, shutdowns and malfunctions.

**RESPONSE:** The intent of this proposed amendment is not to require unnecessary or burdensome reporting requirements. The

intent of this amendment is to benefit industry by allowing them to report excess emissions before the issuance of a Notice of Violation (NOV). By avoiding the initial issuance of the NOV or NOEE, the subsequent process of trying to determine whether or not the notice was appropriate would also be eliminated. Facilities will be expected to comply with this rule when applicable, regardless of other requirements. All sources with an operating permit with less than three years between renewal and the effective date of this rule change are subject to these requirements but may wait until their operating permit renewal to make the change to their operating permit. All other sources with operating permit must submit modifications within six months of the effective date of the rule amendment. No changes were made to the rule as a result of this comment.

**COMMENT:** Kingsford commented that subsection (3)(F) appears to state that even if a source has complied with this regulation, they could still be found liable for the excess emissions. Kingsford believes this changes the long-held view of the meaning of this rule in the regulated community. The current regulation requires the department's Air Pollution Control Program to evaluate a number of factors before any enforcement action can be initiated. Kingsford also questions the addition of subsection (3)(F). They feel it only repeats subsection (3)(E) and is confusing and vague. REGFORM also commented on the need for subsection (3)(F), they feel the intent of the department's Air Pollution Control Program is captured in subsection (3)(D) and (3)(E).

**RESPONSE:** The department's Air Pollution Control Program has not changed the intention of this rule. It is still to be used as a tool to determine if enforcement action is warranted against a facility that has had an excess of emissions. The interpretation made by Kingsford on subsection (3)(F) is correct, compliance with this regulation does not absolve the facility of liability for the excess emissions. Compliance with the original rule did not absolve the facility of liability, this rule amendment just explains it more explicitly. Subsection (3)(E) is included to protect the enforceability of the Air Conservation Law and the corresponding rule. Subsection (3)(F) is included to make facilities aware that they may still be liable. No changes were made to the rule as a result of this comment.

**COMMENT:** Kingsford disagrees with the fiscal note cost approximations. They feel the proposed amendment costs would exceed \$500. CEPC, the Metropolitan St. Louis Sewer District, Associated Industries of Missouri and REGFORM also disagree with the estimated cost of this proposed amendment. They believe this amendment would cost public and private entities more than \$500.

**RESPONSE:** The department's Air Pollution Control Program believes that the addition of a threshold level in subsections (3)(A) and (3)(B) of this rule will drastically reduce the amount of reporting required by this rule, keeping costs below \$500. Also, this amendment does not require any additional information from these sources, it just requires it to be submitted in a more timely fashion. No changes were made to the rule as a result of this comment.

**COMMENT:** KCPL recommends that the oral reporting requirements for malfunction, release, maintenance, startup, shutdown or engineering limitations of equipment be deleted. They feel these requirements do not provide sufficient benefit to the agency to justify the time required for compliance by both industry and agency staff. They also state that these requirements exceed the requirements of any legislative intent, regulation or Title V permit condition. REGFORM also recommended that the oral reporting requirement be removed from this rule. They also suggested the Department should provide facilities with a form that could be faxed to the Department instead of an oral report. AECI is opposed

to any sort of oral reporting. They propose the removal of this requirement due to the burden it places on industry.

**RESPONSE AND EXPLANATION OF CHANGE:** The oral reporting requirements were deleted from this rule. The department's Air Pollution Control Program believes that sufficient reporting will be provided by the written report using the two day time frame.

**COMMENT:** KCPL states that written reports for malfunctions should only be required for significant events that result in exceeding the applicable regulation for a period in excess of four continuous hours.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program has concluded that a threshold limit should be included in this rule. However, four hours is not consistent with EPA guidance and other state's rules. Language was added to subsections (3)(A) and (3)(B) to include a limit of one hour for excess emissions.

**COMMENT:** KCPL suggests that written and oral reporting requirements for equipment shutdown for situations where air pollution control equipment is removed simultaneously with the process unit for all industrial sources should be deleted. Air pollution control equipment removal absent the removal of the process equipment should require reporting to the department, as proposed.

**RESPONSE:** In the event that air pollution control equipment is removed simultaneously with the process unit in an industrial source, it is unlikely that excess emissions will result if the entire process is being disassembled. If a total process is being disassembled and being replaced, construction permit determinations will apply under a like for like equipment replacement situation. Therefore, there would be no written and oral reporting requirements for equipment shutdown for situations where air pollution control equipment is removed simultaneously with the process unit for all industrial sources. No changes were made to the rule as a result of this comment.

**COMMENT:** KCPL commented that the definition of release in this rule is overly restrictive and should be eliminated. AECI and the Metropolitan St. Louis Sewer District also suggested that the definition of release be removed from the proposed amendment. Springfield City Utilities commented that the definition of release seemed overly broad.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program agrees with the suggestion, the definition of release has been removed from this rule since most episodes will be due to malfunction.

**COMMENT:** KCPL, CEPC, the City of Independence Water Pollution Control Department, AECI, the Metropolitan St. Louis Sewer District and REGFORM commented that the definition of malfunction in this regulation should be consistent with the definition in 10 CSR 10-6.020 Definitions and Common Reference Tables. The AGC/MO requests the definition of malfunction be changed to accommodate for significance levels and the language that pertains to normal yearly operating hours be deleted.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program agrees that the definition of malfunction in this regulation and in 10 CSR 10-6.020 are not consistent. Therefore, the definition of malfunction has been deleted from this rule and the definition from 10 CSR 10-6.020 will be applicable.

**COMMENT:** Missouri Ag Industries Council, Inc. commented that the word automatically should be inserted in front of—absolve—in subsection (3)(F).

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program agrees with this comment and has added—automatically—to subsection (3)(F).

**COMMENT:** CEPC commented that the existing rule is a tool for industry and the department's Air Pollution Control Program to evaluate excess emission events. The proposed rule is no longer a useful tool, but another repetitive and burdensome reporting exercise. The proposed language changes the whole focus of the rule to one of reporting and record keeping.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program has not changed the intention of this rule. It is still to be used as a tool to determine if enforcement action is warranted against a facility that has had an excess of emissions. The intent of this proposed amendment is not to require unnecessary or burdensome reporting requirements. The intent of this amendment is to benefit industry by allowing them to report excess emissions before the issuance of an NOV. By avoiding the initial issuance of the NOV or NOEE, the subsequent process of trying to determine whether or not the notice was appropriate would also be eliminated. The department's Air Pollution Control Program also removed the oral reporting requirements, added a one hour threshold and made changes to be consistent with Title V requirements.

**COMMENT:** CEPC commented that with the implementation of Title V and the concept of proving continuous compliance, the need for this change seems moot. Most permits contain adequate provisions to address these conditions. The Metropolitan St. Louis Sewer District, REGFORM, the City of Independence Water Pollution Control Department and Springfield City Utilities also commented that these reporting requirements are contained in most facilities Title V operating permits. AECI believed that record keeping and continuous reporting for start-up, shutdown and malfunction exceedances can be adequately reported in a timely manner using current requirements. Empire Electric District Company also commented that excess emission reports are currently required under their Part 70 Operating Permit.

**RESPONSE:** Not all sources affected by this rule have a Title V permit and the conditions contained therein. All sources with an operating permit with less than three years between renewal and the effective date of this rule change are subject to these requirements but may wait until their operating permit renewal to make the change to their operating permit. All other sources with an operating permit must submit modifications within six months of the effective date of the rule amendment. This amendment is consistent with operating permit conditions contained in 10 CSR 10-6.065 part (6)(B)7.B.(IV). No changes were made to the rule as a result of this comment.

**COMMENT:** CEPC also commented that it is extremely presumptuous for the department's Air Pollution Control Program to suppose that it could define operating conditions for the industries it regulates. CEPC feels that is not the duty of the department's Air Pollution Control Program. A facility will determine if the condition is the result of a start-up, shutdown or malfunction, then the department's Air Pollution Control Program should review the data it receives and act accordingly.

**RESPONSE:** The intent of this amendment is to benefit industry by allowing them to report excess emissions before the issuance of an NOV. By avoiding the initial issuance of the NOV or NOEE, the subsequent process of trying to determine whether or not the notice was appropriate would also be eliminated. However, in the event that an NOEE is issued and the facility feels it is not warranted due to a start-up, shutdown or malfunction condition, enforcement discretion will be exercised if all of the necessary information is supplied to the department's Air Pollution Control

Program. No changes were made to the rule as a result of this comment.

COMMENT: CEPC does not feel a definition of—engineering limitations of equipment—is necessary. CEPC states that it is almost the same condition as malfunction.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees that the two conditions are very similar. The department's Air Pollution Control Program has deleted the portion in the rule pertaining to engineering limitations of equipment and let these instances fall into the category of malfunction.

COMMENT: CEPC feels that the rule contains no incentive for facilities to participate in the advance notice requirements or submit the data required for all malfunctions or engineering limitations of equipment releases. There are no provisions that would penalize a facility for failure to report.

RESPONSE: Failure to comply with this rule is a violation of the Air Conservation Law and enforcement action will be taken accordingly. No changes were made to the rule as a result of this comment.

COMMENT: CEPC does not agree with the requirement in subsection (4)(A) pertaining to the inclusion of data on any required Emissions Inventory Questionnaire (EIQ). CEPC argues that the EIQ does not support the reporting of this data and the magnitude of the emissions would be difficult to calculate. The Metropolitan St. Louis Sewer District also commented that it would be difficult to report on their EIQ.

RESPONSE: The department's Air Pollution Control Program believes the EIQ does support the reporting of this information. Facilities should use best engineering judgement to estimate the magnitude of the release of excess emissions. No changes were made to the rule as a result of this comment.

COMMENT: The City of Independence Water Pollution Control Department and the Metropolitan St. Louis Sewer District commented that the proposed amendment does not clarify what qualifies as a malfunction, start-up or shutdown condition.

RESPONSE: This proposed amendment clarifies what information will be considered on a case-by-case basis during the determination process in the event that a facility receives an NOEE that they feel is not warranted due to start-up, shutdown or malfunction conditions. No changes were made to the rule as a result of this comment.

COMMENT: The City of Independence Water Pollution Control Department commented that they are not familiar with the supporting evidence for this rulemaking. They state that the proposed rule amendment goes beyond, and potentially conflicts with, federal reporting requirements on start-up, shutdown and malfunction conditions at air pollution sources.

RESPONSE: The EPA did not indicate any conflicts with federal reporting requirements in their comments on this proposed rule amendment. Many of the requirements in the proposed amendment are borrowed from EPA's September 20, 1999, guidance titled—State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown. This amendment is also consistent with operating permit conditions contained in 10 CSR 10-6.065 part (6)(B)7.B.(IV). No changes were made to the rule as a result of this comment.

COMMENT: The City of Independence Water Pollution Control Department is concerned with their ability to comply with the new requirements. They would prefer that the changes not be made, however if they are adopted, they requested language changes. They request that language be added to only require reporting

when the owner or operator has knowledge of an occurrence. They also requested that the reporting time limit begin following the time that the owner or operator becomes aware of the excess emissions.

RESPONSE: The department's Air Pollution Control Program believes that a facility should be aware of any excess emissions at their facility within the allotted reporting time. However, in the event that an NOEE is issued and the facility feels it is not warranted due to a start-up, shutdown or malfunction condition, enforcement discretion will be exercised if all of the necessary information is supplied to the department's Air Pollution Control Program. No changes were made to the rule as a result of this comment.

COMMENT: The City of Independence Water Pollution Control Department also commented that in subsection (3)(D), facilities are required to report their excess emissions on any EIQ. However, this requirement is not listed in subsections (3)(A), (3)(B) or (3)(C). The Metropolitan St. Louis Sewer District also commented on the inconsistency of the EIQ requirements.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program acknowledges that this is an oversight and all required information should be submitted on any EIQ. Appropriate language has been added to subsection (4)(B) to require the submission of this data.

COMMENT: AECI commented that the proposed rule amendment is not specific on how enforcement discretion will be determined. They request that all exceedances be reviewed on source specific criteria, such as: the nature of the business, compliance history, the source operating time during the reporting period, and the number of required start-ups and shutdowns.

RESPONSE: The department's Air Pollution Control Program has not changed the intention of this rule. It is still to be used as a tool to determine if enforcement action is warranted against a facility that has had an excess of emissions. In the event that an NOEE is issued and the facility feels it is not warranted due to a start-up, shutdown or malfunction condition, enforcement discretion will be exercised if all of the necessary information is supplied to the department's Air Pollution Control Program. No changes were made to the rule as a result of this comment.

COMMENT: AECI commented that it is not clear if enforcement discretion will be used for facilities that comply with subsections (3)(A), (3)(B) or (3)(C). AECI proposes that these subsections be removed to avoid confusion between enforcement and the regulated community.

RESPONSE: The department's Air Pollution Control Program agrees that subsection (3)(C) was confusing and it has been removed. However, subsections (3)(A) and (3)(B) are important to the integrity of this rule and will not be removed. In the purpose of the rule, it states that these submittals will be used by the director to determine whether the excess emissions were due to a start-up, shutdown or malfunction condition and that these determinations will be used in deciding whether or not enforcement action is appropriate. The department's Air Pollution Control Program believes this language is sufficient in stating that enforcement discretion will be used for information requested in subsections (3)(A) and (3)(B). No changes were made to the rule as a result of this comment.

COMMENT: The MLPA requested that source category specific requirements be added to the rule. They feel the proposed amendment would impose burdensome reporting requirements on their industry due to the frequency of start-ups and shutdown. If this was not possible, the MLPA suggested establishing an allowable time threshold for start-up and shutdown conditions before excess emissions due to these procedures become reportable and/or subject to

enforcement action. The AGC/MO thinks this proposed amendment subjects all malfunctions, maintenance, start-up and shut-down operations to reporting requirements, regardless of the significance of any excess emissions that may occur. The AGC/MO suggested that other states have used a one-hour threshold and it appears to be a reasonable threshold.

**RESPONSE AND EXPLANATION OF CHANGE:** After investigation, the department's Air Pollution Control Program has concluded that a threshold limit should be included in this rule. Language was added to subsections (3)(A) and (3)(B) to include a limit of one hour for excess emissions.

**COMMENT:** The AGC/MO commented that the proposed amendment creates a potential violation wholly on the failure of the regulated entity to accurately identify or anticipate the excess emission. The AGC/MO argues that except for major sources, which are subject to continuous monitoring, excess emissions are identified only by observation by the regulated entity or a Department of Natural Resources inspector.

**RESPONSE:** The intent of this amendment is to benefit industry by allowing them to report excess emissions before the issuance of an NOV. By avoiding the initial issuance of the NOV or NOEE, the subsequent process of trying to determine whether or not the notice was appropriate would also be eliminated. The department's Air Pollution Control Program has not changed the original intention of this rule. It is still to be used as a tool to determine if enforcement action is warranted against a facility that has had an excess of emissions. In the event that an NOEE is issued and the facility feels it is not warranted due to a start-up, shutdown or malfunction condition, enforcement discretion will be exercised if all of the necessary information is supplied to the department's Air Pollution Control Program. The department's Air Pollution Control Program has concluded that a facility should become aware of any excess emissions at their facility within the allotted reporting time. No changes were made to the rule as a result of this comment.

**COMMENT:** The Metropolitan St. Louis Sewer District commented that the proposed amendment assumes that emission sources will know their emissions at all times during start-up, shutdown or malfunctions.

**RESPONSE:** The department's Air Pollution Control Program concluded that a facility should be aware of any excess emissions at their facility within the allotted reporting time. However, in the event that an NOEE is issued and the facility feels it is not warranted due to a start-up, shutdown or malfunction condition, enforcement discretion will be exercised if all of the necessary information is supplied to the department's Air Pollution Control Program. No changes were made to the rule as a result of this comment.

**COMMENT:** Springfield City Utilities commented that the definition of engineering limitations of equipment is workable with the exception that it characterizes all control equipment as failures.

**RESPONSE AND EXPLANATION OF CHANGE:** After the suggestion of other commenters and some investigation, the department's Air Pollution Control Program concluded that malfunction and engineering limitations of equipment are very similar. The department's Air Pollution Control Program has decided to delete the portion in the rule pertaining to engineering limitations of equipment and let these instances fall into the category of malfunction.

**COMMENT:** Springfield City Utilities commented the definition of malfunction is reasonable and the 5% annual threshold is entirely appropriate. They reasoned that a greater breakdown rate could signify an inherent design problem requiring further evaluation.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program appreciates the support of this definition by Springfield City Utilities. However, based on other comments the department's Air Pollution Control Program has agreed that the definition of malfunction in this regulation and in 10 CSR 10-6.020 are not consistent. Therefore, the definition of malfunction has been deleted from this rule and the definition from 10 CSR 10-6.020 will be applicable. Language has also been added to subsection (3)(D) to address whether the excess emissions are a part of a recurring pattern indicative of inadequate design, operation or maintenance.

**COMMENT:** Springfield City Utilities suggested that the terms business day and close of business be defined in this rulemaking. They should be defined in terms of the department's Air Pollution Control Program's normal schedule, including state holidays. Springfield City Utilities also commented that the phrase—as soon as practicable to any maintenance, start-up or shutdown—implies that the department's Air Pollution Control Program would require notification on nights, weekends and holidays.

**RESPONSE:** The department's Air Pollution Control Program does not think the addition of these definitions is necessary. It is common practice that business days are Monday through Friday, 8 a.m. to 5 p.m., excluding state and federal holidays. No changes were made to the rule as a result of this comment.

**COMMENT:** Springfield City Utilities commented that including the information requested in subsection (3)(D) on an EIQ could be problematic but accommodated, as long as it was understood that it was only an estimate.

**RESPONSE:** The department's Air Pollution Control Program also believes the EIQ does support the reporting of this information. Facilities should use best engineering judgement to estimate the magnitude of the release of excess emissions. No changes were made to the rule as a result of this comment.

**COMMENT:** Springfield City Utilities commented that subsection (3)(B) should clarify the triggering mechanism for when exceedance would be expected. Some facilities start-up and run for weeks, while others start-up and shut down daily.

**RESPONSE AND EXPLANATION OF CHANGE:** Language was added to subsections (3)(A) and (3)(B) to include a limit of one hour for excess emissions. The department's Air Pollution Control Program believes this language will remove the uncertainty from these reporting requirements.

**COMMENT:** Springfield City Utilities feels that subsection (3)(D) restores the ability of facilities to not comply with sections (3)(A), (3)(B) or (3)(C) but not be penalized for their excess emissions. They agree with EPA's comment that the language appears to relieve the source from compliance with the earlier sections.

**RESPONSE AND EXPLANATION OF CHANGE:** The department's Air Pollution Control Program appreciates the support of the Springfield City Utilities in the effort to stop facilities from getting away with their excess emissions. The department's Air Pollution Control Program agrees that failure to report is a violation of this rule and the language—In the event that a facility did not abide by the requirements of subsections (3)(A) and (3)(B) and —was removed from original subsection (3)(D). The department's Air Pollution Control Program believes deleting this language will remove the uncertainty of this subsection. Also, language pertaining to the affirmative defense provisions for malfunction, start-up and shutdown from EPA's September 20, 1999, guidance titled—State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown—has been added to original subsection (3)(D). The department's Air Pollution Control Program believes these changes will reinforce the authority of this rule.

**10 CSR 10-6.050 Start-Up, Shutdown and Malfunction Conditions**

(2) Definitions. Definitions of certain terms in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) In the event of a malfunction, which results in excess emissions that exceeds one (1) hour, the owner or operator of such facility shall notify the Missouri Department of Natural Resources' Air Pollution Control Program in the form of a written report which shall be submitted within two (2) business days. The written report shall include, at a minimum, the following:

1. Name and location of installation;
2. Name and telephone number of person responsible for the installation;
3. Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered;
4. Identity of the equipment causing the excess emissions;
5. Time and duration of the period of excess emissions;
6. Cause of the excess emissions;
7. Air pollutants involved;
8. Estimate of the magnitude of the excess emissions expressed in the units of the applicable requirement and the operating data and calculations used in estimating the magnitude;
9. Measures taken to mitigate the extent and duration of the excess emissions; and
10. Measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.

(B) The owner or operator shall notify the Missouri Department of Natural Resources' Air Pollution Control Program at least ten (10) days prior to any maintenance, start-up or shutdown, which is expected to cause an excess release of emissions that exceeds one (1) hour. If notice cannot be given ten (10) days prior to any maintenance, start-up or shutdown, which is expected to cause an excess release of emissions, notice shall be given as soon as practicable prior to the maintenance, start-up or shutdown or orally as soon as practical during normal working hours after the release and no later than close of business of the following working day with written notice to follow within ten (10) working days of the release. The owner or operator of such facility shall notify the Missouri Department of Natural Resources' Air Pollution Control Program in the following ways: a written report including:

1. Name and location of installation;
2. Name and telephone number of person responsible for the installation;
3. Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered;
4. Identity of the equipment causing the excess emissions;
5. Time and duration of the period of excess emissions;
6. Type of activity and the reason for the maintenance, start-up or shutdown;
7. Type of air contaminant involved;
8. Estimate of the magnitude of the excess emissions expressed in the units of the applicable emission control regulation and the operating data and calculations used in estimating the magnitude;
9. Measures taken to mitigate the extent and duration of the excess emissions; and
10. Measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.

(C) Upon receipt of a notice of excess emissions issued by the Missouri Department of Natural Resources or an agency holding a certificate of authority under section 643.140, RSMo, the source to which the notice is issued may provide information showing that

the excess emissions were the consequence of a malfunction, start-up or shutdown. Based upon any information submitted by the source operator and any other pertinent information available, the director or the commission shall make a determination whether the excess emissions constitute a malfunction, start-up or shutdown and whether the nature, extent and duration of the excess emissions warrant enforcement action under section 643.080 or 643.151, RSMo.

1. In determining whether enforcement action is warranted, the director or commission shall consider the following factors:

A. Whether the excess emissions during start-up, shutdown or malfunction occurred as a result of safety, technological or operating constraints of the control equipment, process equipment or process;

B. Whether the air pollution control equipment, process equipment or processes were, at all times, maintained and operated to the maximum extent practical, in a manner consistent with good practice for minimizing emissions;

C. Whether repairs were made as expeditiously as practicable when the operator knew or should have known when excess emissions were occurring;

D. Whether the amount and duration of the excess emissions were limited to the maximum extent practical during periods of this emission;

E. Whether all practical steps were taken to limit the impact of the excess emissions on the ambient air quality;

F. Whether all emission monitoring systems were kept in operation if at all possible;

G. Whether the owner or operator's actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs, or other relevant evidence;

H. Whether the excess emissions were not part of a recurring pattern indicative of inadequate design, operation or maintenance; and

I. Whether the owner or operator properly and promptly notified the appropriate regulatory authority.

2. The information provided by the source operator under paragraph (3)(C)1. shall include, at a minimum, the following:

A. Name and location of installation;

B. Name and telephone number of person responsible for the installation;

C. Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered;

D. The identity of the equipment causing the excess emissions;

E. The time and duration of the period of excess emissions;

F. The cause of the excess emissions;

G. The type of air contaminant involved;

H. A best estimate of the magnitude of the excess emissions expressed in the units of the applicable emission control regulation and the operating data and calculations used in estimating the magnitude;

I. The measures taken to mitigate the extent and duration of the excess emissions; and

J. The measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.

(D) Nothing in this rule shall be construed to limit the authority of the director or the commission to take appropriate action, under sections 643.080, 643.090 and 643.151, RSMo to enforce the provisions of the Air Conservation Law and the corresponding rule.

(E) Compliance with this rule does not automatically absolve the owner or operator of such facility of liability for the excess emissions reported.

(4) Reporting and Record Keeping.

(B) The information submitted according to paragraphs (3)(A)2., (3)(B)2. and (3)(C)2., shall be kept on file at the installation for a period of five (5) years. This data shall be included in emissions reported on any required Emissions Inventory Questionnaire. The information shall be available to the director upon request.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 110—Sales/Use Tax—Exemptions**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director adopts a rule as follows:

12 CSR 10-110.955 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1679-1681). Changes have been made in the text of the proposed rule, and those changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The department received two (2) written comments on the proposed rule.

**COMMENT:** The commenter requested the department clarify the application of the rule to the Missouri Department of Transportation (MoDOT).

**RESPONSE AND EXPLANATION OF CHANGE:** The department added MoDOT to the list of exempt organizations in subsection (2)(A) of the regulation. The department also added a reference to MoDOT in subsection (3)(B).

**COMMENT:** The commenter requested further clarification of the application of section 144.062, RSMo, addressed in section (3)(O) of the regulation, particularly regarding its application to political subdivisions.

**RESPONSE AND EXPLANATION OF CHANGE:** The department clarified subsection (3)(O) by making it clear that qualifying entities are listed in section 144.062, RSMo, rather than this rule. Also added was a cross reference to 12 CSR 10-112.010, which contains a more complete discussion of the operation of section 144.062, RSMo. As requested, the department added a new example in subsection (4)(E) clarifying that section 144.062, RSMo, does not apply to MoDOT.

**COMMENT:** The commenter requested further elaboration of the sales tax exempt status of hotel rooms and meals contracted for directly by tax-exempt organizations (including state agencies).

**RESPONSE:** The department did not add any discussion of the purchase of meals or lodgings by exempt entities because that topic is fully discussed in 12 CSR 10-110.220.

**COMMENT:** The commenter requested clarification of the requirements for project exemption certificates under section 144.062, RSMo.

**RESPONSE AND EXPLANATION OF CHANGE:** The department changed subsection (3)(O) to make it clear that the certificate does not have to be approved by the Department of Revenue.

**COMMENT:** The commenter also requested the addition of an annotation for *Sports Unlimited, Inc. v. Director of Revenue*, 962 S.W.2d 885 (Mo. Banc 1998).

**RESPONSE:** The department has not added this annotation because the holding in that case has been superseded by a subse-

quent amendment to section 144.062, RSMo. Furthermore, the potential confusion noted by the commenter due to an annotation to 12 CSR 10-3.388 would be alleviated because that regulation will be rescinded.

**12 CSR 10-110.955 Sales and Purchases—Exempt Organizations**

(2) Definition of Terms.

(A) Exempt organization—one (1) of the following types of organizations:

1. United States government or agency;
2. Political subdivisions of the state of Missouri;
3. Missouri Department of Transportation;
4. Rural water districts;
5. Religious organizations and institutions;
6. Charitable organizations and institutions;
7. Public elementary and secondary schools;
8. Not-for-profit civic, social, service or fraternal organizations;
9. Eleemosynary, penal institutions and industries of the state of Missouri;
10. Public and private not-for-profit post-secondary educational institutions;
11. State of Missouri relief agencies;
12. Benevolent, scientific and educational agricultural associations;
13. Nonprofit summer theater organizations;
14. Missouri state fair and county agricultural and mechanical societies;
15. Private not-for-profit elementary and secondary schools;
16. Interstate compact agencies.

(3) Basic Application of Rule.

(B) All sales of tangible personal property or taxable services to the state of Missouri or its political subdivisions are exempt from tax. Except for school districts and the Missouri Department of Transportation, sales by the state of Missouri and its political subdivisions are subject to tax. Sales by school districts and the Missouri Department of Transportation are exempt from tax. Amounts paid in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a political subdivision are exempt from tax, if all the proceeds benefit the political subdivision. Sales to other states and their political subdivisions are not exempt from tax.

(O) For exempt entities listed in 144.062, RSMo, all sales of tangible personal property and materials, for the purpose of constructing, repairing or remodeling facilities that are related to the entity's exempt functions and activities, to a contractor or other entity purchasing for the exempt entity pursuant to the requirements of section 144.062, RSMo, are exempt from tax. To claim the exemption, the exempt entity must provide a project exemption certificate to all contractors, subcontractors or other entities. Such contractors, subcontractors and other entities must provide a copy of the project exemption certificate to sellers when purchasing tangible personal property or materials for such facilities. See 12 CSR 10-112.010.

(4) Examples.

(E) A Missouri contractor purchases materials and supplies in Missouri to perform a construction contract for a Missouri school district. The school district is an exempt entity listed in section 144.062, RSMo. Prior to making its purchases, the contractor obtains an authorized exemption certificate from the district. The contractor's purchases are exempt from tax because it obtained a copy of the authorized exemption certificate prior to making its purchases.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 4—Postcard Voter**  
**Application and Forms**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under sections 115.155.5 and 115.159, RSMo 2000, the secretary rescinds a rule as follows:

**15 CSR 30-4.010 Postcard Voter Application and Forms is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1825). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective **March 1, 2002**.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 4—Postcard Voter**  
**Application and Forms**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under sections 115.155.5 and 115.159, RSMo 2000, the secretary adopts a rule as follows:

**15 CSR 30-4.010 is adopted.**

A notice of the proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1825–1827). Those sections with changes are reprinted here. This proposed rule becomes effective **March 1, 2002**.

SUMMARY OF COMMENTS: Members of the secretary of state's staff and the Blunt Commission suggested some minor changes to the questions being asked in subsection (2)(C) of the rule, as well as some minor changes for the top portion of the card in subsection (2)(F) of the rule.

COMMENT: It was suggested that the words "No PO Boxes" be added to paragraph 7. in subsection (2)(C).

RESPONSE AND EXPLANATION OF CHANGE: Paragraph 7. will be changed to include the suggested language.

COMMENT: It was suggested that the words "if available" in paragraph 14. in subsection (2)(C) should be changed to "optional" to coincide with statutory language.

RESPONSE AND EXPLANATION OF CHANGE: Paragraph 14. will be changed to reflect the suggested language.

COMMENT: It was suggested that paragraph 15. in subsection (2)(C) was not needed as the information was included in paragraph 16. of the same subsection, and that in its place the question "Place of Birth (optional)" should be added to coincide with statutory language.

RESPONSE AND EXPLANATION OF CHANGE: Paragraph 15. will be changed to reflect the suggested language.

COMMENT: It was suggested that in addition to the existing language in paragraph 17. of subsection (2)(C) the following should be included "Section, Township and Range \_\_\_\_\_. My neighbors are \_\_\_\_\_."

RESPONSE AND EXPLANATION OF CHANGE: Paragraph 17. will be changed to reflect the suggested language.

COMMENT: It was suggested that the phrase "Voter Declaration (read, sign and date below)" be deleted to provide additional space for the voter's signature.

RESPONSE AND EXPLANATION OF CHANGE: Paragraph 18. will be changed to reflect the suggested language.

COMMENT: It was suggested that the language be changed in subsection (2)(F) to allow for more flexibility in the phrasing of the statement listed in paragraph 1. of the proposed rule, and that the statement in paragraph 2. be printed in black ink and read "THIS CARD IS NOT PROOF OF REGISTRATION."

RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(F) will be changed to reflect the suggested language.

**15 CSR 30-4.010 Postcard Voter Application and Forms**

(2) Postcard Application Form Format and Content—

(C) The questions asked on the postcard application form shall be identical to those questions listed below:

1. New Registration, Address Change or Name Change;
2. Male or Female;
3. Last Name;
4. First Name;
5. Middle Name;
6. Jr., Sr., II, III, or IV;

7. Address where you live (House No., Street, Apt. No. or Rural Route and Box—No PO Boxes);

8. City;
9. County;
10. Zip Code;

11. Address where you get your mail (if different from above);

12. Date of Birth;
13. Last Four Digits of Social Security Number;

14. Daytime Phone No. (optional);

15. Place of Birth (optional);

16. Name and Address on Last Voter Registration;

17. Rural Voters (complete this section if you live outside the city limits of any city) I live \_\_\_\_\_ miles N E S W of \_\_\_\_\_ . Section, Township and Range \_\_\_\_\_ . My neighbors are \_\_\_\_\_ ;

18. I hereby certify that I am a citizen of the United States and a resident of the state of Missouri. I am at least seventeen and one-half years of age. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or a misdemeanor connected with the right of suffrage, I have had the voting disabilities from such conviction removed pursuant to law. I swear under penalty of perjury that all statements made on this card are true to the best of my knowledge and belief;

19. Date; and
20. Signature;

(F) The top portion of the card shall contain a statement printed in red ink explaining that the application will be confirmed by mail within seven (7) business days of its receipt by the election authority, and the following statement printed in black ink "THIS CARD IS NOT PROOF OF REGISTRATION."

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 9—Uniform Counting Standards**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 115.225, RSMo 2000, the secretary adopts a rule as follows:

**15 CSR 30-9.010** Uniform Counting Standards—Punch Card Voting Systems is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1828). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **March 1, 2002**.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 9—Uniform Counting Standards**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 115.225, RSMo 2000, the secretary adopts a rule as follows:

15 CSR 30-9.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1828–1829). Those sections with changes are reprinted here. This proposed rule becomes effective **March 1, 2002**.

SUMMARY OF COMMENTS: The secretary of state received six comments on this rule.

COMMENT: Pam Louderbaugh, Dallas County Clerk, Marlene Wainscott, Bates County Clerk, Mary Blanton, Clinton County Clerk & Hubbard & Rehard, P.C., attorneys for the Platte County Board of Election Commissioners suggested that the wording used to require that machines be programmed to reject blank ballots in section (2) should be changed to clarify that blank ballots, not ballots with an undervoted race are to be rejected.

RESPONSE AND EXPLANATION OF CHANGE: Section (2) will be changed to make this clarification.

COMMENT: Hubbard & Rehard, P.C., attorneys for the Platte County Board of Election Commissioners suggested that the provisions in section (2) should only apply when a hand recount becomes necessary.

RESPONSE: Our office believes that it is critical to establish uniform counting standards to be used at all times in the counting process and as a result no changes were made as a result of this comment.

COMMENT: Hubbard & Rehard, P.C., attorneys for the Platte County Board of Election Commissioners suggested that the language in subsection (3)(A) be changed to accommodate ballots that use ovals as well as squares.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (3)(A) will be changed to reflect this suggestion.

**15 CSR 30-9.020** Uniform Counting Standards—Optical Scan Voting Systems

(2) Prior to tabulating ballots all machines shall be programmed to reject blank ballots where no votes are recorded, or where an over-vote is registered in any race.

(3) In jurisdictions using optical scan systems, a valid vote for a write-in candidate must include the following:

(A) A distinguishing mark in the designated location preceding the name of the candidate;

(B) The name of the candidate. If the name of the candidate, as written by the voter, is substantially as declared by the candidate it shall be counted, or in those circumstances where the names of candidates are similar, the names of candidates as shown on voter registration records shall be counted; and

(C) The name of the office for which the candidate is to be elected.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 9—Uniform Counting Standards**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 115.225, RSMo 2000, the secretary adopts a rule as follows:

**15 CSR 30-9.030** Uniform Counting Standards—Paper Ballots is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1829). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **March 1, 2002**.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 10—Voting Machines (Electronic)**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 115.225, RSMo 2000, the secretary rescinds a rule as follows:

**15 CSR 30-10.020** Certification Statements for New or Modified Electronic Voting Systems is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1829). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective **March 1, 2002**.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 10—Voting Machines (Electronic)**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 115.225, RSMo 2000, the secretary adopts a rule as follows:

**15 CSR 30-10.020** Certification Statements for New or Modified Electronic Voting Systems is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1829-1831). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **March 1, 2002**.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 10—Voting Machines (Electronic)**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 115.225, RSMo 2000, the secretary rescinds a rule as follows:

**15 CSR 30-10.040** Electronic Ballot Tabulation—Counting Preparation is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1831). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective **March 1, 2002**.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 10—Voting Machines (Electronic)**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 115.225, RSMo 2000, the secretary adopts a rule as follows:

15 CSR 30-10.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1831-1832). Those sections with changes are reprinted here. This proposed rule becomes effective **March 1, 2002**.

SUMMARY OF COMMENTS: The secretary of state received one comment on this rule.

COMMENT: Hubbard & Rehard, P.C., attorneys for the Platte County Board of Election Commissioners suggested that the words “punched or” should be deleted from paragraph (7)(C)8. to clarify that this section applies to both punch card and optical scan systems.

RESPONSE AND EXPLANATION OF CHANGE: This paragraph will be changed by replacing the word “Cards” with “Ballots” to reflect the suggestion made in this comment.

**15 CSR 30-10.040** Electronic Ballot Tabulation—Counting Preparation

(7) Prior to election day the election authority shall supervise a public logic and accuracy test of the electronic tabulating equipment conducted by the accuracy certification team.

(C) The election authority shall prepare an appropriate logic and accuracy test deck which will include the following conditions:

1. Each ballot position must be tested;

2. No two (2) candidates for the same office may receive the same number of votes, but each candidate must receive one (1) vote;

3. No ballot question may receive the same number of votes for and against;

4. In situations where a voter can legally vote for more than one (1) person for an office, at least one (1) card shall be voted for the maximum number of allowable candidates;

5. One (1) card shall be marked to have one (1) more vote for each candidate or question than is allowable;

6. One (1) card shall have no votes recorded on it;

7. In general partisan elections, each party shall receive at least one (1) straight party vote. Additionally each party shall receive at least one (1) straight party vote where a candidate of another party receives a vote on the ballot;

8. Ballots should be punched or marked to test all name rotations, if used; and

9. One (1) card (if possible) shall contain a vote for a candidate for whom persons using that ballot format are not entitled to vote.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 10—Voting Machines (Electronic)**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 115.225, RSMo 2000, the secretary rescinds a rule as follows:

**15 CSR 30-10.060** Electronic Ballot Tabulation—Election Procedures is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1832). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective **March 1, 2002**.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 10—Voting Machines (Electronic)**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 115.225, RSMo 2000, the secretary adopts a rule as follows:

**15 CSR 30-10.060** Electronic Ballot Tabulation—Election Procedures is **adopted**.

A notice of the proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1832-1833). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **March 1, 2002**.

SUMMARY OF COMMENTS: The secretary of state received two comments on this rule.

COMMENT: Hubbard & Rehard, P.C., attorneys for the Platte County Board of Election Commissioners suggested that subsection (2)(D) cannot be complied with, claiming the last transaction is to switch the machine to election mode.

RESPONSE: It is the position of this office that the switching to election mode is part of the testing process and as such no change is needed.

COMMENT: Hubbard & Rehard, P.C., attorneys for the Platte County Board of Election Commissioners suggested that section (3) mandating a post-test will result in the loss of data on the memory cards and therefore, this section should be changed.

RESPONSE: At this time our office does not have the statutory authority to make the requested change.

**Title 16—RETIREMENT SYSTEMS**  
**Division 10—The Public School Retirement System of Missouri**  
**Chapter 4—Membership and Creditable Service**

**ORDER OF RULEMAKING**

By the authority vested in the board of trustees under section 169.020, RSMo 2000, the board hereby amends a rule as follows:

**16 CSR 10-4.012** Payment for Reinstatement and Credit Purchases is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1833-1834). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 16—RETIREMENT SYSTEMS**  
**Division 10—The Public School Retirement System of Missouri**  
**Chapter 5—Retirement, Options and Benefits**

**ORDER OF RULEMAKING**

By the authority vested in the board of trustees under section 169.020, RSMo 2000, the board hereby amends a rule as follows:

**16 CSR 10-5.055** Cost-of-Living Adjustments is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1834). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 16—RETIREMENT SYSTEMS**  
**Division 10—The Public School Retirement System of Missouri**  
**Chapter 5—Retirement, Options and Benefits**

**ORDER OF RULEMAKING**

By the authority vested in the board of trustees under section 169.020, RSMo 2000, the board hereby adopts a rule as follows:

**16 CSR 10-5.070** Qualified Governmental Excess Benefit Arrangement is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1834-1835). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 16—RETIREMENT SYSTEMS**  
**Division 10—The Public School Retirement System of Missouri**  
**Chapter 6—The Non-Teacher School Employee Retirement System of Missouri**

**ORDER OF RULEMAKING**

By the authority vested in the board of trustees under section 169.610, RSMo 2000, the board hereby amends a rule as follows:

**16 CSR 10-6.045** Reinstatement and Credit Purchases is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1835). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 16—RETIREMENT SYSTEMS**  
**Division 50—The County Employees' Retirement Fund**  
**Chapter 2—Membership and Benefits**

**ORDER OF RULEMAKING**

By the authority vested in the County Employees' Retirement Board under sections 50.1000 and 50.1210-50.1260, RSMo 2000, the board amends a rule as follows:

**16 CSR 50-2.050** Certifying Service and Compensation is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2001 (26 MoReg 1835-1836). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 100—Division of Credit Unions**

**ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
Northwest Missouri Regional Credit Union 1000 N. College Drive Maryville, MO 64468	Any persons who reside or work in Nodaway County
St. Louis Telephone Employees' Credit Union 4650 Hampton Avenue St. Louis, MO 63109-2714	Individuals who reside or work in St. Louis County, St. Charles County, Jefferson County, and Franklin County
Electro Savings Credit Union 1805 Craigshire Drive St. Louis, MO 63146	Individuals who reside or work in St. Louis City, St. Louis County, St. Charles County, and Jefferson County
St. Louis Community Credit Union 3651 Forest Park Avenue St. Louis, MO 63118	Individuals who live or work in 63111, 63118, 63117, 63119, 63143, and 63144

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions,  
Sampling and Reference Methods and Air Pollution  
Control Regulations for the Entire State of Missouri**

**IN ADDITION**

A proposed amendment to 10 CSR 10-6.050 was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1456-1458) and the final order of this same rule is published in this issue. The subsections were relettered in section (3) in the final order of rule-making in response to a comment from a member of the public. Due to an oversight by the agency, a proper citation in subsection (4)(A) referencing, subsection (3)(D) was inadvertently not corrected to subsection (3)(C). This corrects that error and subsection (4)(A) is reprinted here for clarification purposes only.

**10 CSR 10-6.050 Start-Up, Shutdown and Malfunction Conditions**

(4) Reporting and Record Keeping.

(A) The information specified in subsection (3)(C) shall be submitted to the director not later than fifteen (15) days after receipt of the notice of excess emissions. Information regarding the type and amount of emissions and time of the episode shall be recorded and kept on file. This data shall be included in emissions reported on any required Emissions Inventory Questionnaire.

Schedule of Compensation as Required by Section 476.405 RSMo

	RSMo Citation	Highest Salary FY 2001	Highest Salary FY 2002
<u>Supreme Court</u>			
Chief Justice	477.130	\$125,500	\$125,500
Judges	477.130	123,000	123,000
<u>Court of Appeals</u>			
Judges	477.130	115,000	115,000
<u>Circuit Court</u>			
Circuit Court Judges	478.013	108,000	108,000
Associate Circuit Judges	478.018	96,000	96,000
<u>Juvenile Officers</u>			
Juvenile Officer	211.381	40,256	40,676
Chief Deputy Juvenile Officer		34,182	34,602
Deputy Juvenile Officer Class 1		30,215	30,635
Deputy Juvenile Officer Class 2		27,313	27,733
Deputy Juvenile Officer Class 3		24,712	25,132
<u>Court Reporters</u>	485.060	48,240	48,660
<u>Probate Commissioner</u>	478.266	108,000 *	108,000 *
	& 478.267		
Deputy Probate Commissioner	478.266	96,000 *	96,000 *
<u>Family Court Commissioner</u>	211.023	96,000 *	96,000 *
	& 487.020		
<u>Circuit Clerk</u>			
1st Class Counties	483.083	59,910	60,330
St. Louis City	483.083	99,847	100,267
Jackson, Jasper & Cape Girardeau	483.083	64,917	65,337
2nd & 4th Class Counties	483.083	53,829	54,249
3rd Class Counties	483.083	46,880	47,300
Marion-Hannibal & Palmyra	483.083	52,958	53,378
Randolph & Lewis	483.083	51,391	51,811

\*Salaries are tied to those of Circuit and Associate Circuit Judges.

The salary adjustment contained in the pay plan applicable to other state employees generally for the fiscal year ending June 30, 2002 was extension, for a full year, of the \$420 annually that started in January 2001.

## Schedule of Compensation as Required by Section 105.005 RSMo

<u>Office</u>	<u>RSMo Citation</u>	<u>Statutory Salary FY 2001</u>	<u>Statutory Salary FY 2002</u>
<u>Elected Officials</u>			
Governor	26.010	\$119,982	\$120,087
Lt. Governor	26.010	77,079	77,184
Attorney General	27.010	104,227	104,332
Secretary of State	28.010	96,350	96,455
State Treasurer	30.010	96,350	96,455
State Auditor	29.010	96,350	96,455
<u>General Assembly</u>			
Senator	21.140	31,246	31,351
Representative	21.140	31,246	31,351
Speaker of House	21.140	33,746	33,851
President Pro Tem of Senate	21.140	33,746	33,851
Speaker Pro Tem of the House	21.140	32,746	32,851
Majority Floor Leader of House	21.140	32,746	32,851
Majority Floor Leader of Senate	21.140	32,746	32,851
Minority Floor Leader of House	21.140	32,746	32,851
Minority Floor Leader of Senate	21.140	32,746	32,851
<u>State Tax Commissioners</u>	138.230	93,819	94,029
<u>Administrative Hearing Commissioners</u>	621.015	91,427	91,637
<u>Labor and Industrial Relations</u>			
<u>Commissioners</u>	286.005	93,309	94,029
<u>Division of Workers' Compensation</u>			
Legal Advisor	287.615	76,800 *	76,800 *
Chief Counsel	287.615	78,800 *	78,800 *
Administrative Law Judge	287.615	86,400 *	86,400 *
Administrative Law Judge in Charge	287.615	91,400 *	91,400 *
Director, Division of Workers' Compensation	287.615	93,400 *	93,400 *
<u>Public Service Commissioners</u>	386.150	93,819	94,029

	<u>RSMo Citation</u>	<u>Executive Level FY 2001</u>	<u>Executive Level FY 2002</u>
<u>Statutory Department Directors</u>			
Administration, Agriculture, Corrections, Economic Development, Labor and Industrial Relations, Natural Resources, Public Safety, Revenue, and Social Services	105.950	I	I
<u>Probation and Parole</u>			
Chairman	217.665	III	III
Board Members		IV	IV

\*Division of Workers' Compensation salaries are tied to those of Associate Circuit Judges.

The salary adjustment contained in the pay plan applicable to other state employees generally for the fiscal year ending June 30, 2002 was extension, for a full year, of the \$420 annually that started in January 2001

**Missouri Executive Pay Plan  
Fiscal Year 2002**

<b>Executive Level</b>	<b>Minimum</b>	<b>Maximum</b>
I	\$75,948	\$111,156
II	\$69,504	\$101,604
III	\$63,636	\$92,928
IV	\$58,332	\$84,936

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

"Please take notice that CVA Consulting, L.L.C., with a registered office at 10301 N.W. River Hills Court, Parkville, Missouri, has filed with the Missouri Secretary of State a Notice of Winding Up and Articles of Termination on December 7, 2001 and December 21, 2001 respectively. All persons who believe they have any claim against CVA Consulting, L.L.C. must present them in writing in accordance with the Notice of Winding Up. Your written claim must include the following information:

1. The nature and amount of the claim (e.g., money owed, contractual obligations, other damages);
2. A description and date of any written agreement involved; and,
3. The name, address and telephone number of a contact person who can verify your claim information.

Your written claim described above must be mailed to Pamela J. Venzian, 10301 N.W. River Hills Court, Parkville, Missouri, 64152. All claims against CVA Consulting, L.L.C. will be barred unless a proceeding to enforce your claim is commenced within three years after the publication of this notice. "

## NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST CROWN LUMBER HOLDINGS, L.L.C.

On December 14, 2001, the sole member of Crown Lumber Holdings, Limited Liability Company voted to dissolve the L.L.C. A Notice of Winding Up was filed with the Missouri Secretary of State.

You are hereby notified if you believe you have a claim against Crown Lumber Holdings, Limited Liability Company, you must submit a summary in writing of the circumstances surrounding your claim to Mr. Jeffrey W. Sorensen, 598 N. Lake Winnebago Drive, Lake Winnebago, Missouri 64034. The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant.
2. The amount of the claim.
3. Basis for the claim.
4. Documentation of the claim.

All claims against Crown Lumber Holdings, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

## NOTICE OF WINDING UP FOR WARD PARKWAY HOLDINGS, L.C.

The undersigned, for the purpose of providing notice of the dissolution of Ward Parkway Holdings, L.C., and the commencement of the winding up of its business and affairs, as required in the Missouri Revised Statutes, Section 347.137, hereby make, acknowledge and file the following Notice of Winding Up:

1. The name of the limited liability company is: Ward Parkway Holdings, L.C.
2. The articles of organization of Ward Parkway Holdings, L.C. were originally filed with the Missouri Secretary of State on March 24, 1995.
3. Ward Parkway Holdings, L.C. has dissolved and has commenced the winding up of its business and affairs.
4. Persons with claims against Ward Parkway Holdings, L.C. should present them in accordance with the following procedure:
  - A) In order to file a claim against Ward Parkway Holdings, L.C., a claimant must furnish the following information:
    - i) The name and address of the claimant;
    - ii) The amount of the claim;
    - iii) The basis for the claim;
    - iv) The nature of the claim;
    - v) Documentation of the claim
  - B) The claim information required in (A) above, must be mailed to:  
Stinson, Mag & Fizzell, P.C., 1201 Walnut St., Suite 2800, Kansas City, Missouri 64141
5. A claim against Ward Parkway Holdings, L.C. will be barred, pursuant to the Missouri Revised Statutes, Section 347.141, unless a proceeding to enforce the claim is commenced within three years after the publication of this Notice of Winding Up.

The undersigned, for the purpose of providing notice of the dissolution of Ward Parkway Holdings, L.C., and the commencement of the winding up of its business and affairs, do hereby execute this Notice of Winding Up, this 20th day of December, 2001, and do hereby affirm, under penalties of perjury, that the facts stated herein are true and that the undersigned are duly authorized to execute this Notice of Winding Up.

DAVE G. RUF, JR., Member-Manager  
PAUL A. HUSTAD, Member-Manager  
BURNS & MCDONNELL ENGINEERING  
COMPANY, INC, Member-Manager  
Dave G. Ruf, Jr., President and C.E.O.

JOEL A. CERWICK, Member-Manager  
MARK H. TAYLOR, Member-Manager

**OFFICE OF ADMINISTRATION  
Division of Purchasing**

**BID OPENINGS**

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: [www.moolb.state.mo.us](http://www.moolb.state.mo.us). Prospective bidders may receive specifications upon request.

B1E02164 Meat Product: Turkey Medallions 1/16/02;  
B3E02120 Janitorial Services 1/16/02;  
B1E02139 Automated Headspace Sampler 1/17/02;  
B1E02170 Door Monitoring System 1/17/02;  
B1E02163 Water Quality Monitoring Equipment 1/18/02;  
B3E02110 Janitorial Services 1/18/02;  
B1E02168 Mobile Office 1/22/02;  
B1E02167 Frozen Food: Danish 1/24/02;  
B3Z02109 Medical Laboratory Services 1/24/02;  
B2Z02038 Online Legal Research Subscription Services 1/25/02;  
B3Z02088 Stay At Home Parent Program 1/27/02;  
B3Z02118 Missouri Senior Rx Program 1/31/02;  
B3E02125 Cash Farm Lease-Moberly Corrections Center 2/1/02;  
B3Z02111 Janitorial Services 2/8/02;  
B3Z02048 Exhibit: Mobile-"Cave Caravan" Design 2/15/02.

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

MAGIC Help Desk Software & Maintenance Support Services, supplied by Network Associates, Inc.

1.) Gaming Machine Testing Devices, supplied by Kobetron, Inc.  
2.) Building Blocks of Missouri (Prenatal & Early Childhood Nurse Home Visiting) Southeast Region Expansion, supplied by Southeast Missouri Home Health.

Dental Services, supplied by Barnes-Jewish Hospital Dental Group.

James Miluski, CPPO,  
Director of Purchasing

## Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—25 (2000), 26 (2001) and 27 (2002). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule .....				24 MoReg 2535
	.....				25 MoReg 2478
	.....				This Issue
1 CSR 50-3.010	Missouri Ethics Commission .....		26 MoReg 2219		
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 10-5.010	Market Development .....	26 MoReg 1305R			
	.....	26 MoReg 1305			
2 CSR 10-5.015	Market Development .....	26 MoReg 2217			
2 CSR 30-2.010	Animal Health .....	26 MoReg 2257	26 MoReg 2263		
2 CSR 30-2.040	Animal Health .....	26 MoReg 2257	26 MoReg 2265		
2 CSR 30-6.020	Animal Health .....	26 MoReg 2258	26 MoReg 2267		
2 CSR 90-10.012	Weights and Measures .....		27 MoReg 7		
2 CSR 90-10.013	Weights and Measures .....		27 MoReg 9		
2 CSR 90-10.020	Weights and Measures .....		27 MoReg 9		
2 CSR 90-10.040	Weights and Measures .....		27 MoReg 11		
2 CSR 100-10.010	Weights and Measures .....		26 MoReg 1623	26 MoReg 2416	
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-1.010	Conservation Commission .....	26 MoReg 1795	26 MoReg 2313		
3 CSR 10-5.550	Conservation Commission .....	26 MoReg 1891			
3 CSR 10-5.551	Conservation Commission .....	26 MoReg 1893			
3 CSR 10-5.559	Conservation Commission .....	26 MoReg 1895			
3 CSR 10-5.560	Conservation Commission .....	26 MoReg 1897			
3 CSR 10-5.565	Conservation Commission .....	26 MoReg 1899			
3 CSR 10-6.405	Conservation Commission .....	26 MoReg 2075			
3 CSR 10-11.182	Conservation Commission .....	26 MoReg 1901	26 MoReg 2416		
3 CSR 10-11.200	Conservation Commission .....	26 MoReg 1901	26 MoReg 2416		
3 CSR 10-11.210	Conservation Commission .....	26 MoReg 1901	26 MoReg 2416		
3 CSR 10-11.215	Conservation Commission .....	26 MoReg 1902	26 MoReg 2417		
3 CSR 10-12.110	Conservation Commission .....	26 MoReg 1902	26 MoReg 2417		
3 CSR 10-12.135	Conservation Commission .....	26 MoReg 1902	26 MoReg 2417		
3 CSR 10-12.140	Conservation Commission .....	26 MoReg 1902	26 MoReg 2417		
3 CSR 10-12.145	Conservation Commission .....	26 MoReg 1902	26 MoReg 2417		
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 10-2.022	Missouri State Board of Accountancy .....	26 MoReg 2345	26 MoReg 2348		
4 CSR 10-2.041	Missouri State Board of Accountancy .....	26 MoReg 2346	26 MoReg 2352		
4 CSR 10-2.061	Missouri State Board of Accountancy .....	26 MoReg 2346	26 MoReg 2352		
4 CSR 10-2.160	Missouri State Board of Accountancy .....	26 MoReg 1501	26 MoReg 2353		
4 CSR 15-1.010	Acupuncturist Advisory Committee .....		26 MoReg 1624	27 MoReg 21	
4 CSR 15-1.020	Acupuncturist Advisory Committee .....		26 MoReg 1628	27 MoReg 21	
4 CSR 15-1.030	Acupuncturist Advisory Committee .....		26 MoReg 1631	27 MoReg 21	
4 CSR 15-2.010	Acupuncturist Advisory Committee .....		26 MoReg 1631	27 MoReg 21	
4 CSR 15-2.020	Acupuncturist Advisory Committee .....		26 MoReg 1637	27 MoReg 22	
4 CSR 15-3.010	Acupuncturist Advisory Committee .....		26 MoReg 1642	27 MoReg 22	
4 CSR 15-3.020	Acupuncturist Advisory Committee .....		26 MoReg 1647	27 MoReg 22	
4 CSR 15-4.010	Acupuncturist Advisory Committee .....		26 MoReg 1650	27 MoReg 22	
4 CSR 15-4.020	Acupuncturist Advisory Committee .....		26 MoReg 1653	27 MoReg 23	
4 CSR 30-3.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2075		
4 CSR 30-3.030	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2076		
4 CSR 30-3.040	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2077		
4 CSR 30-4.080	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2078R		
	.....		26 MoReg 2078		
4 CSR 30-5.105	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2269		
4 CSR 30-5.110	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2269R		
	.....		26 MoReg 2270		
4 CSR 30-5.120	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2083R		
	.....		26 MoReg 2083		
4 CSR 30-5.130	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2083R		
	.....		26 MoReg 2083		



Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 165-1.020	Board of Examiners for Hearing Instrument Specialists		26 MoReg 1656		
4 CSR 165-2.050	Board of Examiners for Hearing Instrument Specialists		26 MoReg 1656		
4 CSR 165-2.060	Board of Examiners for Hearing Instrument Specialists		26 MoReg 1657		
4 CSR 205-1.030	Missouri Board of Occupational Therapy		27 MoReg 18R		
4 CSR 205-3.010	Missouri Board of Occupational Therapy		27 MoReg 18		
4 CSR 205-3.020	Missouri Board of Occupational Therapy		27 MoReg 18		
4 CSR 210-2.030	State Board of Optometry		This Issue		
4 CSR 210-2.070	State Board of Optometry		This Issue		
4 CSR 220-2.010	State Board of Pharmacy		26 MoReg 1658	27 MoReg 23	
4 CSR 220-2.020	State Board of Pharmacy		27 MoReg 18		
4 CSR 220-2.085	State Board of Pharmacy				26 MoReg 2433
4 CSR 220-2.650	State Board of Pharmacy		27 MoReg 19		
4 CSR 230-2.045	State Board of Podiatric Medicine		26 MoReg 2283		
4 CSR 240-2.045	Public Service Commission		This Issue		
4 CSR 240-2.075	Public Service Commission		This Issue		
4 CSR 240-2.080	Public Service Commission		26 MoReg 1965		
4 CSR 240-2.115	Public Service Commission		This Issue		
4 CSR 240-2.117	Public Service Commission		This Issue		
4 CSR 240-2.130	Public Service Commission		26 MoReg 1966		
4 CSR 240-10.020	Public Service Commission		26 MoReg 1659		
4 CSR 240-13.055	Public Service Commission	26 MoReg 2259			
4 CSR 240-21.010	Public Service Commission		26 MoReg 1312	26 MoReg 2313	
4 CSR 240-35.010	Public Service Commission		26 MoReg 1659		
4 CSR 240-35.020	Public Service Commission		26 MoReg 1659		
4 CSR 240-35.030	Public Service Commission		26 MoReg 1660R		
4 CSR 240-51.010	Public Service Commission		26 MoReg 1317	26 MoReg 2313	
4 CSR 240-120.011	Public Service Commission		26 MoReg 1434	26 MoReg 2420	
4 CSR 240-120.065	Public Service Commission		26 MoReg 1434	26 MoReg 2420	
4 CSR 240-121.055	Public Service Commission		26 MoReg 1434	26 MoReg 2420W	
4 CSR 240-122.010	Public Service Commission		26 MoReg 1435R	26 MoReg 2420R	
4 CSR 240-122.020	Public Service Commission		26 MoReg 1435R	26 MoReg 2420R	
4 CSR 240-122.030	Public Service Commission		26 MoReg 1435R	26 MoReg 2420R	
4 CSR 240-122.040	Public Service Commission		26 MoReg 1435R	26 MoReg 2421R	
4 CSR 240-122.050	Public Service Commission		26 MoReg 1436R	26 MoReg 2421R	
4 CSR 240-122.060	Public Service Commission		26 MoReg 1436R	26 MoReg 2421R	
4 CSR 240-122.070	Public Service Commission		26 MoReg 1436R	26 MoReg 2421R	
4 CSR 240-122.080	Public Service Commission		26 MoReg 1437R	26 MoReg 2421R	
4 CSR 240-122.090	Public Service Commission		26 MoReg 1437R	26 MoReg 2422R	
4 CSR 240-123.010	Public Service Commission		26 MoReg 1437	26 MoReg 2422	
4 CSR 240-123.030	Public Service Commission		26 MoReg 1438	26 MoReg 2422	
4 CSR 240-123.040	Public Service Commission		26 MoReg 1441	26 MoReg 2422	
4 CSR 240-123.065	Public Service Commission		26 MoReg 1444	26 MoReg 2423	
4 CSR 240-123.070	Public Service Commission		26 MoReg 1444	26 MoReg 2424	
4 CSR 240-123.080	Public Service Commission		26 MoReg 1446	26 MoReg 2424	
4 CSR 240-124.010	Public Service Commission		26 MoReg 1446	26 MoReg 2425	
4 CSR 240-124.040	Public Service Commission		26 MoReg 1447	26 MoReg 2425	
4 CSR 240-124.045	Public Service Commission		26 MoReg 1447	26 MoReg 2426	
4 CSR 250-5.020	Missouri Real Estate Commission		26 MoReg 2100		
4 CSR 255-2.010	Missouri Board for Respiratory Care		26 MoReg 2404		
4 CSR 255-2.020	Missouri Board for Respiratory Care		26 MoReg 2404		
4 CSR 255-2.030	Missouri Board for Respiratory Care		26 MoReg 2405		
4 CSR 265-8.060	Motor Carrier and Railroad Safety				26 MoReg 2181
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 30-4.040	Division of School Services		26 MoReg 2283R		
5 CSR 30-4.045	Division of School Services		26 MoReg 2283R		
5 CSR 30-340.010	Division of School Services		26 MoReg 2103		
<i>(Changed to 5 CSR 50-340.110)</i>					
5 CSR 30-345.020	Division of Administrative and Financial Services		26 MoReg 1320	26 MoReg 2314	
<i>(Changed to 5 CSR 50-345.020)</i>					
5 CSR 30-660.030	Division of School Services		26 MoReg 2284R		
5 CSR 30-660.040	Division of School Services		26 MoReg 2284R		
5 CSR 30-660.050	Division of School Services		26 MoReg 2284R		
5 CSR 50-340.110	Division of School Improvement		26 MoReg 2103		
<i>(Changed from 5 CSR 30-340.010)</i>					
5 CSR 50-340.200	Division of School Improvement		26 MoReg 2284		
5 CSR 50-345.020	Division of School Improvement		26 MoReg 1320	26 MoReg 2314	
<i>(Changed from 5 CSR 30-345.020)</i>					
5 CSR 60-120.070	Vocational and Adult Education		26 MoReg 2103R		
			26 MoReg 2103		
5 CSR 80-800.360	Teacher Quality and Urban Education		26 MoReg 2290		
5 CSR 80-805.030	Teacher Quality and Urban Education		26 MoReg 2291		
5 CSR 80-850.025	Teacher Quality and Urban Education		26 MoReg 1503	26 MoReg 2314	
5 CSR 90-7.010	Vocational Rehabilitation		26 MoReg 1506	26 MoReg 2314	
5 CSR 90-7.100	Vocational Rehabilitation		26 MoReg 1507	26 MoReg 2314	
5 CSR 90-7.200	Vocational Rehabilitation		26 MoReg 1511	26 MoReg 2314	
5 CSR 90-7.300	Vocational Rehabilitation		26 MoReg 1514	26 MoReg 2315	
5 CSR 90-7.310	Vocational Rehabilitation		26 MoReg 1514	26 MoReg 2315	
5 CSR 90-7.320	Vocational Rehabilitation		26 MoReg 1514	26 MoReg 2315	
5 CSR 100-200.010	Missouri Commission for the Deaf		26 MoReg 1660R		
			26 MoReg 1660		
5 CSR 100-200.030	Missouri Commission for the Deaf		26 MoReg 1661R		
			26 MoReg 1661		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 100-200.040	Missouri Commission for the Deaf		26 MoReg 1662R		
5 CSR 100-200.050	Missouri Commission for the Deaf		26 MoReg 1662 26 MoReg 1662R 26 MoReg 1663		
5 CSR 100-200.060	Missouri Commission for the Deaf		26 MoReg 1663R 26 MoReg 1663		
5 CSR 100-200.070	Missouri Commission for the Deaf		26 MoReg 1664R 26 MoReg 1664		
5 CSR 100-200.075	Missouri Commission for the Deaf		26 MoReg 1665		
5 CSR 100-200.080	Missouri Commission for the Deaf		26 MoReg 1665		
5 CSR 100-200.085	Missouri Commission for the Deaf		26 MoReg 1666R 26 MoReg 1666		
5 CSR 100-200.090	Missouri Commission for the Deaf		26 MoReg 1666R		
5 CSR 100-200.100	Missouri Commission for the Deaf		26 MoReg 1667R 26 MoReg 1667		
5 CSR 100-200.110	Missouri Commission for the Deaf		26 MoReg 1667R		
5 CSR 100-200.120	Missouri Commission for the Deaf		26 MoReg 1668R		
5 CSR 100-200.125	Missouri Commission for the Deaf		26 MoReg 1668		
5 CSR 100-200.130	Missouri Commission for the Deaf		26 MoReg 1668R 26 MoReg 1669		
5 CSR 100-200.140	Missouri Commission for the Deaf		26 MoReg 1670R 26 MoReg 1670		
5 CSR 100-200.150	Missouri Commission for the Deaf		26 MoReg 1670R 26 MoReg 1671		
5 CSR 100-200.170	Missouri Commission for the Deaf		26 MoReg 1673R 26 MoReg 1673		
5 CSR 100-200.175	Missouri Commission for the Deaf		26 MoReg 1675R		
5 CSR 100-200.180	Missouri Commission for the Deaf		26 MoReg 1675R 26 MoReg 1676		
5 CSR 100-200.200	Missouri Commission for the Deaf		26 MoReg 1676R		
5 CSR 100-200.210	Missouri Commission for the Deaf		26 MoReg 1677R 26 MoReg 1677		

**DEPARTMENT OF HIGHER EDUCATION**

6 CSR 10-2.030	Commissioner of Higher Education		26 MoReg 2297		
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**DEPARTMENT OF TRANSPORTATION**

7 CSR 10-22.020	Missouri Highways and Transportation Commission		26 MoReg 2220		
7 CSR 10-22.040	Missouri Highways and Transportation Commission		26 MoReg 2220		

**DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

8 CSR 70-1.010	Missouri Assistive Technology Advisory Council		26 MoReg 1797	27 MoReg 23	
8 CSR 70-1.020	Missouri Assistive Technology Advisory Council		26 MoReg 1568	26 MoReg 2315	

**DEPARTMENT OF MENTAL HEALTH**

9 CSR 10-7.020	Director, Department of Mental Health		This Issue		
9 CSR 10-7.030	Director, Department of Mental Health		This Issue		
9 CSR 25-2.505	Fiscal Management		This Issue		
9 CSR 30-3.120	Certification Standards		26 MoReg 2220		
9 CSR 30-3.130	Certification Standards		26 MoReg 2221		
9 CSR 30-3.132	Certification Standards		26 MoReg 2221		
9 CSR 30-3.140	Certification Standards		26 MoReg 2222		
9 CSR 30-3.300	Certification Standards		26 MoReg 2222		

**DEPARTMENT OF NATURAL RESOURCES**

10 CSR 10-5.300	Air Conservation Commission		26 MoReg 1967		
10 CSR 10-6.050	Air Conservation Commission		26 MoReg 1456	This Issue	
10 CSR 10-6.060	Air Conservation Commission		26 MoReg 1974		
10 CSR 10-6.065	Air Conservation Commission		26 MoReg 1975		
10 CSR 10-6.280	Air Conservation Commission		26 MoReg 1570		
10 CSR 20-4.023	Clean Water Commission		26 MoReg 860		
10 CSR 20-4.043	Clean Water Commission		26 MoReg 861		
10 CSR 20-6.200	Clean Water Commission		26 MoReg 1976		
10 CSR 20-15.010	Clean Water Commission		26 MoReg 1992		
10 CSR 20-15.020	Clean Water Commission		26 MoReg 1993		
10 CSR 20-15.030	Clean Water Commission		26 MoReg 2005		
10 CSR 25-3.260	Hazardous Waste Management Commission		This Issue		
10 CSR 25-6.263	Hazardous Waste Management Commission		This Issue		
10 CSR 25-12.010	Hazardous Waste Management Commission		This Issue		
10 CSR 40-10.020	Land Reclamation Commission		26 MoReg 1798		
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10 CSR 60-14.020	Public Drinking Water Program				26 MoReg 1847
10 CSR 60-15.020	Public Drinking Water Program		26 MoReg 1802		
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11 CSR 45-12.090	Missouri Gaming Commission		This Issue		
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13 CSR 15-9.010	Division of Aging	26 MoReg 1501	26 MoReg 1515	27 MoReg 40	26 MoReg 2184
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19 CSR 40-9.010	Division of Maternal, Child and Family Health		26 MoReg 1686	26 MoReg 2432	
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- 2 CSR 10-5.010 Price Reporting Requirements for Livestock Purchases by Packers . . . . .February 28, 2002
- 2 CSR 10-5.010 Rules Governing Livestock Purchases by Packers . . . . .February 28, 2002
- 2 CSR 10-5.015 Public Complaint Handling and Disposition Procedure for Missouri Livestock Marketing Law . . . . .April 23, 2002

#### Animal Health

- 2 CSR 30-2.010 Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri . . . . .May 10, 2002
- 2 CSR 30-2.040 Animal Health Requirements for Exhibition . . . . .May 10, 2002
- 2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian . . . . .May 10, 2002

### Department of Economic Development

#### Missouri State Board of Accountancy

- 4 CSR 10-2.022 Provisional License to Practice . . . . .May 23, 2002
- 4 CSR 10-2.041 Eligibility Requirements for the C.P.A. Examination . . . . .May 23, 2002
- 4 CSR 10-2.061 Requirements for an Initial Permit to Practice . . . . .May 23, 2002

#### Public Service Commission

- 4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather . . . . .March 31, 2002

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#### Certification Standards

- 9 CSR 30-4.030 Certification Standards Definitions . . . . .July 11, 2002
- 9 CSR 30-4.031 Procedures to Obtain Certification for Centers . . . . .July 11, 2002
- 9 CSR 30-4.032 Administration . . . . .July 11, 2002
- 9 CSR 30-4.034 Personnel and Staff Development . . . . .July 11, 2002
- 9 CSR 30-4.035 Client Records of a Community Psychiatric Rehabilitation Program . . . . .July 11, 2002
- 9 CSR 30-4.039 Service Provision . . . . .July 11, 2002
- 9 CSR 30-4.042 Admission Criteria . . . . .July 11, 2002
- 9 CSR 30-4.043 Treatment Provided by Community Psychiatric Rehabilitation Program . . . . .July 11, 2002
- 9 CSR 30-4.045 Intensive Community Psychiatric Rehabilitation . . . . .July 11, 2002

### Department of Public Safety

#### Missouri State Highway Patrol

- 11 CSR 50-2.020 Minimum Inspection Station Requirements . . . . .February 28, 2002
- 11 CSR 50-2.270 Glazing (Glass) . . . . .February 28, 2002

### Department of Revenue

#### Director of Revenue

- 12 CSR 10-24.030 Hearings . . . . .March 28, 2002
- 12 CSR 10-41.010 Annual Adjusted Rate of Interest . . . . .June 29, 2002

### Department of Social Services

#### Division of Aging

- 13 CSR 15-9.010 General Certification Requirements (*moved to 19 CSR 30-81.010*) . . . . .February 28, 2002

#### Division of Family Services

- 13 CSR 40-19.020 Low Income Home Energy Assistance Program . . . . .March 29, 2002

#### Division of Medical Services

- 13 CSR 70-10.110 Nursing Facility Reimbursement Allowance . . . . .March 6, 2002
- 13 CSR 70-10.150 Enhancement Pools . . . . .February 28, 2002

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- 13 CSR 73-2.015 Fees . . . . .June 29, 2002
- 13 CSR 73-2.070 Examination . . . . .June 29, 2002

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#### Attorney General

- 15 CSR 60-13.060 Methods by Which a Person or Entity Desiring to Make Telephone Solicitations Will Obtain Access to the Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations and the Cost Assessed for Access to the Database . . . . .March 29, 2002

## Department of Health and Senior Services

### Office of the Director

19 CSR 10-4.030 National Interest Waiver Program . . . . . January 17, 2002

### Division of Senior Services

19 CSR 30-81.010 General Certification Requirements (*moved from 13 CSR 15-9.010*) . . . . . February 28, 2002

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19 CSR 60-50.200	Purpose and Structure . . . . .	June 29, 2002
19 CSR 60-50.200	Purpose and Structure . . . . .	June 29, 2002
19 CSR 60-50.300	Definitions for the Certificate of Need Process . . . . .	June 29, 2002
19 CSR 60-50.300	Definitions for the Certificate of Need Process . . . . .	June 29, 2002
19 CSR 60-50.310	Guidelines for Specific Health Services . . . . .	June 29, 2002
19 CSR 60-50.400	Letter of Intent Process . . . . .	June 29, 2002
19 CSR 60-50.400	Letter of Intent Process . . . . .	June 29, 2002
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19 CSR 60-50.420	Application Process . . . . .	June 29, 2002
19 CSR 60-50.420	Review Process . . . . .	June 29, 2002
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19 CSR 60-50.430	Application Package . . . . .	June 29, 2002
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19 CSR 60-50.440	Criteria and Standards for Equipment and New Hospitals . . . . .	June 29, 2002
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19 CSR 60-50.460	Criteria and Standards for Evolving Technology . . . . .	June 29, 2002
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22 CSR 10-2.045	Co-Pay Plan Summary of Medical Benefits . . . . .	June 29, 2002
22 CSR 10-2.055	Co-Pay Plan Benefit Provisions and Covered Charges . . . . .	June 29, 2002
22 CSR 10-2.063	HMO/POS Premium Option Summary of Medical Benefits . . . . .	June 29, 2002
22 CSR 10-2.064	HMO/POS Standard Option Summary of Medical Benefits . . . . .	June 29, 2002
22 CSR 10-2.065	Staff Model Summary of Medical Benefits . . . . .	June 29, 2002
22 CSR 10-2.067	HMO and POS Limitations . . . . .	June 29, 2002
22 CSR 10-2.075	Review and Appeals Procedure . . . . .	June 29, 2002

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